

W Y C H E

Attorneys at Law

February 10, 2014

BY FIRST CLASS MAIL

Ms. Bonnie Hriczko
Removal Action Branch
U.S. Environmental Protection Agency, Region II
2890 Woodbridge Avenue, MS-211
Edison, NJ 08837

Re: Request for Information Pursuant to Section 104 of CERCLA on
Superior Barrel and Drum Site, Elk, Gloucester County, New Jersey (the "Site")

Dear Ms. Hriczko:

We represent Encore of Greenville, LLC, d/b/a Encore Container (the "Company"), which received EPA's request for information pursuant to section 104 of CERCLA regarding the above-referenced Site. The Company responds to this request as follows:

General Information about the Company

1. a. **State the correct legal name of the Company.**

Encore of Greenville, LLC, d/b/a Encore Container

Mailing Address: P.O. Box 9324
Greenville, SC 29604

Physical Address: 7021 Augusta Rd
Greenville, SC 29605

Telephone: 864-277-2887

b. **Identify the legal status of the Company (corporation, partnership, specify if other) and the state in which the Company was organized.**

The Company is a limited liability company in good standing, organized under the law of the State of South Carolina.

c. **State the name(s) and address(es) of the officer(s) of the Company.**

Chad Odom, Manager
25 Parkins Lake Rd
Greenville, SC 29607

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PROFESSIONAL ASSOCIATION

44 East Camperdown Way, Greenville, SC 29601-3512

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- d. If the Company has subsidiaries or affiliates, or is a subsidiary of another organization, identify these related companies and state the name(s) and address(es) of the officer(s) of those organizations. Provide the same information for any further parent/subsidiary relationships.

Not applicable

- e. If the Company is a successor to, or has been succeeded by, another, identify such other company and provide the same information requested above for the predecessor or successor company.

Not applicable

- f. If the Company transacted business with SBD in the name of an entity not already disclosed, give the name of such entity and state its relationship to the Company.

The Company has not transacted business with SBD in any name.

2. a. Describe in detail the nature of your Company's business during the years 1974 to the present. If the nature of the business has not been constant, describe the changes that have occurred, including any name changes, and when they occurred.

The Company was formed on November 10, 2011, to manufacture and recondition industrial containers, specifically composite intermediate bulk containers and plastic drums. The Company began operations on May 1, 2012.

- b. Describe your Company's operations from 1974 to the present and identify all chemicals used or produced as a result of your Company's operations during that period, including any chemical substances used to clean equipment or machinery and the nature and chemical constituents of all waste streams and their disposition.

The Company has not arranged for the disposal, treatment, or storage of any substances with SBD. The Company manufactures new plastic containers and collects used, empty containers for cleaning (reconditioning) and resale. The Company sells such clean, empty containers. All containers shipped by the Company are clean and empty; no chemicals are added to nor are any residues remaining within any container shipped by the Company. The Company places its labels on containers shipped from its location so that end users may contact the Company to arrange for pickup of empty containers. To the extent that a container with a Company label has been found at the Site, it is there because some party other than the Company sold or gave such container to SBD, not because the Company arranged for the disposal, treatment, or storage of any such container or any substance in it.

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Although not relevant to the Site, the reconditioning process at the Company yields two waste streams:

- i. Process water is pretreated before discharge to sewer in accordance with the Company's local POTW discharge permit. Wastewater is sampled and tested according to permit parameters to verify that discharge is nonhazardous in nature and within discharge permit limitations established by local POTW.
- ii. Solids removed from process water during pretreatment are classified and disposed of as a nonhazardous solid waste to local landfills. The waste solids are tested (via TCLP) according to special waste approval from landfill to verify their nonhazardous nature.

Company's Relationship to Superior Barrel and Drum ("SBD")

3. a. State whether the Company or any Company facility conducted any business transactions with SBD for the disposal, treatment, or storage of any barrels, drums, or other containers (hereinafter collectively referred to as "Containers").

No, neither the Company nor any Company facility conducted any business transactions with SBD.

- b. If so, identify each such facility and describe the relationship between the Company and SBD, including the nature of services rendered or products sold to the Company;

Not applicable

- c. Provide copies of any contracts or agreements between the Company and SBD;

None

4. a. For each facility identified in Question 3, state the nature of the operations conducted at the facility, including the time period in which the facility operated;

Not applicable

- b. State the name, address, and current RCRA Identification Number of each facility;

Not applicable

5. For each transaction between the Company and SBD, provide the following information, which may be provided in tabular format.

- a. Identify the specific dates of each transaction and the facility involved with each transaction. Where an exact date cannot be provided for a transaction, provide an approximation by month and year;

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Not applicable

- b. Identify the number of Containers that were the subject of each such transaction;

Not applicable

- c. Generically describe each Container that was the subject of each such transaction, including the Container capacity and type (example: 55-gallon closed head steel drums, etc.);

Not applicable

- d. Identify the intended purpose and nature of each such transaction (example: Company products sold to SBD, Company waste disposed of by SBD, Company products purchased from SBD, Services rendered to or from the Company to or from SBD, etc.)

Not applicable

- e. State whether each Container that was the subject of the transaction contained any substance(s) at the time of the transaction. As to each Container that contained any substance:

(1) Identify each such substance, including its specific chemical constituent(s), physical state, quantity by volume and weight, and other characteristics; and

(2) Provide all written analyses that may have been generated for each such substance or which may be in the custody or control of the Company and all material safety data sheets, if any, relating to each such substance;

Not applicable

6. Provide copies of all documents relating in any way to each transaction, including copies of delivery receipts, invoices, or payment devices.

None

7. Identify all persons who might have knowledge of the transaction or who had any responsibility regarding the transaction.

None

8. If you contend that any Container identified in response to Question 5, above, did not contain any substance at the time of the transaction, state whether such Container had previously been used by the Company to contain any substance, and if so:

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- a. **Identify all substances previously contained within such Container, including its specific chemical constituent(s), physical state, and other characteristic(s); and**

Not applicable

- b. **Provide as to such substance(s), all written analyses that may have been generated for each such substance or which may be in the custody or control of the Company and all material safety data sheets, if any, relating to each such substance;**

Not applicable

9. **Describe in detail any treatment of any Container that may have been performed by or on behalf of the Company prior to the time that the Container was transferred from the Company, including any process or procedure by which the Container was emptied or cleaned.**

Because neither the Company nor any Company facility conducted any business transactions with SBD, the question is not applicable to Company.

10. **If you sent any Container by means of any third party transporter, identify each such transporter, including the name and address of such transporter, and identify in which of the transactions such transporter acted.**

Because neither the Company nor any Company facility conducted any business transactions with SBD, the question is not applicable to Company.

11. **Identify each person consulted in responding to these questions and all questions on which he or she was consulted.**

Chad Odom, Manager, and Chas Key, Chief Compliance and Quality Officer, were consulted on all responses to all questions.

12. **Identify any other person or entity (e.g., individual, company, partnership, etc.) having knowledge of facts relating to the questions which are the subject of this inquiry. For each such person that you identify, provide the name, address, and telephone number of that person, and the basis of your belief that he or she has such knowledge. For past and present employees, include their job title(s) and a description of the responsibilities.**

None

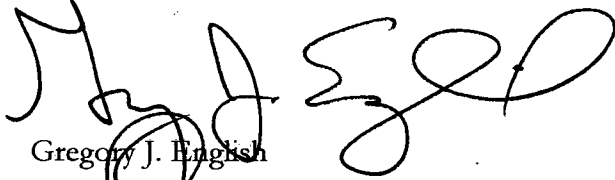
13. **Supply any additional information or documents that may be relevant or useful to identify other sources who disposed of or transported Containers to the Site.**

None

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Because the Company has never had a relationship with SBD and did not arrange for the disposal, treatment, or storage of any container or substance at SBD, we request that USEPA remove Encore from its list of potentially responsible parties at the SBD Site.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gregory J. English', written over a circular stamp or seal.

Gregory J. English

(864) 242-8247

genglish@wyche.com

GJE/sc

cc: Mr. Chad Odom

Mr. Chas Key

Mr. Blayne Henderson

William Tucker, Esq.

Office of Regional Counsel

U.S. Environmental Protection Agency, Region II

290 Broadway, 17th Floor

New York, NY 10007

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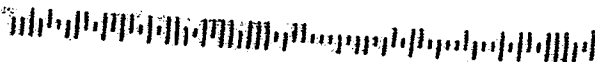
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Ms. Bonnie Hriczko
Removal Action Branch
U.S. Environmental Protection Agency, Region II
2890 Woodbridge Avenue, MS-211
Edison, NJ 08837

0883733659 0088



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Encore Container
7021 Augusta Rd.
Greenville, SC 29605
Attn: Chad Odom, CEO

27 JAN 11:50 AM

2. Article Number

(Transfer from service label)

PS Form 3811, August 2001

COMPLETE THIS SECTION ON DELIVERY

A. Signature

Chris Maroney

☐ Agent

☐ Addressee

B. Received by (Printed Name)

Chris Maroney

C. Date of Delivery

1/21

D. Is delivery address different from item 1?

☐ Yes

☐ No

If YES, enter delivery address below:

GREENVILLE SC

JAN 21 2004

29601

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

7012 1640 0001 8519 2999

Domestic Return Receipt

UNITED STATES POSTAL SERVICE



First-Class Mail
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Honnie Hriczko
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